

### SECTION III—REMARKS

This amendment is submitted in response to the final Office Action mailed December 14, 2005. Claims 20 and 21 are amended herein, and claims 25-26 are cancelled. Claims 20-24 and 27-37 remain pending in the application. Applicants respectfully request reconsideration of the application and allowance of all pending claims in view of the above amendments and the following remarks.

#### Allowed Claims

The Examiner indicated that claims 28-37 are allowed. None of these claims are amended, so they continue to be allowed.

#### Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 20, 21, 23 and 27 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,368,899 to Featherby *et al.* ("*Featherby*"). Applicants respectfully submit that the Examiner's rejections based on *Featherby* are rendered moot by the amendment of claim 20 to include the subject matter previously found in claims 25-26, both of which were rejected under 35 U.S.C. § 103(a). Claim 20 is discussed below in the section regarding § 103 rejections.

#### Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 22 and 24-26 under 35 U.S.C. § 103(a) as obvious in view of, and therefore unpatentable over, various combinations of the following references: *Featherby*, U.S. Patent No. 4,843,036 to Schmidt *et al.* ("*Schmidt*") and U.S. Patent No. 6,617,683 to Lebonheur *et al.* ("*Lebonheur*").

The Examiner rejected claims 25-26 as obvious using *Featherby* in view of *Schmidt* and *Lebonheur*. Claim 20, as amended, now includes the limitations formerly found in claims 25-26, meaning that the rejection of claims 25-26 now applies to claim 20. Applicants respectfully

traverse the Examiner's rejection. As to claims 25 and 26, subject matter that qualifies as prior art under 35 U.S.C. § 102(e) cannot be used to reject claims in an application under 35 U.S.C. § 103(a) if, at the time the invention was made, the application and the reference were owned by the same person or entity or subject to an obligation of assignment to the same person or entity. 35 U.S.C. § 103(c); MPEP § 706.02(l)(1). In this case, *Lebonheur* and the present application were, at the time the claimed invention was made, owned by or subject to an obligation of assignment to the same entity—Intel Corporation. In view of the common ownership of *Lebonheur* and the present application at the time of invention, *Lebonheur* cannot be used to reject any claims under § 103(a). Since the Examiner's rejections of claims 25 and 26 rely on *Lebonheur*, the rejection of these claims is overcome by disqualification of the reference. Applicants therefore submit that claim 20 is in condition for allowance, and respectfully request withdrawal of the rejections and allowance of the claims.

Regarding claims 21-24 and 27, if an independent claim is allowable, then any claim depending therefrom is also allowable. *See generally* MPEP § 2143.03; *In re Fine*, 821 F.2d 1071 (Fed. Cir. 1988). As discussed above, claim 20 is in condition for allowance. Applicants submit that dependent claims 21-24 and 27 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

#### Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to allowance of the claims, the Examiner is

requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 292-8600.


Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 2-13-06

  
Todd M. Becker  
Attorney for Applicant(s)  
Registration No. 43,487

Blakely, Sokoloff, Taylor & Zafman LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles CA 90025-1030  
Phone: 206-292-8600  
Facsimile: 206-292-8606

Enclosures: Fax Cover Sheet  
Amendment transmittal, in duplicate